REMARKS

Applicant respectfully requests consideration of the subject application.

Status of Claims

Claims 1-6, 8-15, 17-20, 22-26, and 28-33 remain pending in the application. Claims 1, 8, 17, 22 and 28 have been amended. No new matter has been added. No claims have been added. No claims have been cancelled.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (Abe), U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al. (Sacilotto), U.S. Patent No. 6,763,523..

Abe describes a video editing apparatus and method to edit a video sequence or video clip where an editing operation for setting an editing point of a video sequence or a video clip can be performed rapidly and efficiently. Abe describes deleting unused portions of the information but these unused portions are stored in storage of the device. Thus, the unused portion of the information still takes up valuable storage space in the device and is merely "temporarily discarded" rather than being permanently removed to free up space in storage.

Sacilotto describes a method and system to avoid duplicate storage and transfer of multimedia data in a playback device to increase system bandwidth

and available playback memory. Sacilotto uses a reference count system to control how a clip is deleted from the server. Specifically, the server begins deleting clips when the storage becomes greater than a particular percentage full (Col. 8, lines 51-55). Thus, Sacilotto describes a condition to delete clips based on meeting a predetermined quantitative capacity of the available storage space.

Independent Claims 1, 8, 17, 22 and 28

Amended independent claims 1, 17, 22 and 28 contains the limitation "... deleting the portion from the storage, <u>without examining storage capacity state</u>, ... such that the portion is no longer stored on the storage and is thereby destructively edited." (Emphasis added).

Furthermore, Amended independent claim 8 contains the limitation "... determining whether the portion is represented by more than one reference data containing processing information corresponding to the time based stream of information; and deleting the portion from the storage, <u>without examining storage capacity state</u>, if the portion is <u>not represented by more than one reference data</u> such that the portion is no longer stored on the storage and is thereby <u>destructively edited</u>." (Emphasis added).

Abe, as described, fails to teach or suggest the limitation where the clips deleted are "destructively edited." Similarly, Sacilotto fails to teach or suggest the limitation of "destructively edited" in reference to the clip deletion. Even assuming arguendo that the clip is "destructively edited" when the deletion occurs in Sacilotto, Sacilotto requires meeting a pre-determined storage capacity

requirement before such deletion takes place. Applicant's claims 1, 17, 22 and 28 include the limitation where the deleting or "destructive editing" of the clip is executed "without examining storage capacity state."

Moreover, Sacilotto teaches that multiple conditions are to be met before a clip is deleted. In Sacilotto, a composition consists of multiple media segments and a clip may be referred to in different media segments. When a composition is deleted, the server first parsed for media segments and the clip that refers to the particular segment has its reference count decremented. The reference count indicates if data is being used or not. When multiple segments in a clip are referenced, the reference count of the clip will be more than one and so the clip will not be deleted because at least one other segment in a clip is still being used by a different composition. Furthermore, even if the reference count is zero, meaning that the clip is no longer referenced in other segments, it will not be deleted because a second condition where the storage capacity must be met before the clip will be deleted. Thus, if the pre-determined storage capacity is not met, the clip, even if not referenced, will not be deleted because there is excess storage space. Therefore, deletion of clips in Sacilotto depends on at least two conditions and does not teach to maximize space each time a clip is deleted because even un-referenced clips will not be deleted unless a condition on storage capacity is met.

On the contrary, Applicant's claim 8 claims that a deletion refers to "destructively editing" a clip wherein such deletion is executed "without examining storage capacity state." Thus, Applicant's claim is not dependent on a condition

of storage capacity. Further, Applicant's claim includes the limitation to "determining whether the portion is represented by more than one reference data ... deleting the portion from the storage if the portion is not represented by more than one reference data ...." Any clip which if not referenced at least once and which is selected to be deleted, will be deleted. For at least the stated reasons, Applicant respectfully submits that claims 1, 8, 17, 22 and 28 are patentable over the combination of Abe and Sacilotto and respectfully requests the withdrawal of the claim rejection.

Dependent claims 2-3, 6, 11, 13, 18-20, 23-24, 29-30 and 33

Claims 2-3, 6, 11, 13, 18-20, 23-24, 29-30 and 33 depend from independent claims 1, 8, 17, 22 and 28 and thus include the emphasized limitation. For at least this reason, the Applicant respectfully submits that claims 2-3, 6, 11, 13, 18-20, 23-24, 29-30 and 33 are patentable over Abe and Sacilotto and respectfully request the withdrawal of the claim rejections.

Claims 4, 14, 25, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abe, in view of Sacilotto, and further in view of Chao et al (Chao), U.S. Patent No. 5,732,184.

Dependent Claims 4, 14, 25, and 31

Dependent claims 4, 14, 25 and 31 depend from independent claims 1, 8, 22 and 28. Abe and Sacilotto are described above and the combination fails to

teach the limitation of "destructively editing" and "...without examining storage capacity state ..." Chao describes an apparatus and method of editing video sequences to include the steps of displaying a timeline of a video sequence on a timeline on a monitor of an editing computer. However, Chao does not teach or describe the limitations stated above as claimed by the Applicant. Thus, Chao fails to cure the deficiency of the combination of Abe and Sacilotto. For at least this reason, applicant respectfully submits that claims 4, 14, 25, and 31 are patentable over Abe, Sacilotto and Chao.

Claims 5, 9-10, 12 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe and Sacilotto as applied to claims 2, 22 and 29 above and further in view of Gamon, U.S. Patent No. 6,345,318..

Dependent claims 5, 9-10, 12 and 32

Dependent claims 5, 9-10, 12 and 32 depend from independent claims 1, 8 and 28. Abe and Sacilotto are described above and their combination fail to teach or suggest all the limitations in claims 1, 8 and 28. Gamon describes a system for maintaining a user modifiable confirmation message configuration specifying with respect to a plurality of operations whether to communicate a confirmation. Gamon fails to cure the deficiencies of Abe and Sacilotto. For at least this reason, applicant respectfully submits that claims 5, 9-10, 12 and 32 are patentable over the combination of Abe, Sacilotto and Gamon.

Conclusion

In conclusion, applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome. If the allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact the undersigned at (408) 720-8300.
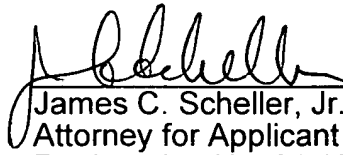
Extension of Time

Applicant hereby requests an extension of time to respond to the pending Office Action, and a check for the necessary extension fee is enclosed. If there are any overpayments or any additional charges, please charge our Deposit Account No. 02–2666.

Respectfully submitted,

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